

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 TOMMY LAQUADE STEWART,

4 Petitioner,

5 v.

6 CALVIN JOHNSON, *et al.*,

7 Respondents.

Case No.: 2:21-cv-01490-APG-BNW

**ORDER GRANTING, IN PART,
MOTION FOR EXTENSION OF TIME
(ECF NO. 37)**

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9 In this habeas corpus action, Respondents filed a motion to dismiss on August 19, 2022.
10 ECF No. 33. The petitioner, Tommy Laquade Stewart, represented by appointed counsel, filed an
11 opposition to the motion to dismiss on October 18, 2022. ECF No. 36. Respondents then had 30
12 days, until November 17, 2022, to file a reply to Stewart's opposition to their motion to dismiss.
13 *See* ECF No. 9.


14 On November 16, 2022, Respondents filed a motion for extension of time (ECF No. 37),
15 requesting a 60-day extension of the time. Respondents' counsel states that the extension of time
16 is necessary because of her obligations in other cases and because she "will be on vacation the
17 week of November 21, 2022 and possibly the first week of January 2023." ECF No. 37 at 2.
18 Respondents' counsel states that Stewart does not oppose the motion for extension of time. *Id.*

19 I find that Respondents' motion for extension of time is made in good faith and not solely
20 for the purpose of delay, and I find that there is good cause for an extension of time. I also find,
21 though, that this request is excessive. The motion to dismiss does not appear to be especially
22 complex. The scheduling order gave Respondents 30 days to file their reply in support of that
23 motion, and that appears to have been reasonable. I cannot countenance Respondents' request for

1 another 60 days for this filing, based generally on counsel's caseload and counsel's one or two
2 weeks of vacation over the next two months. I will grant a shorter extension of time—50 days,
3 instead of the 60 days requested—and *I will not be inclined to further extend this deadline absent*
4 *extraordinary circumstances.*

5 I THEREFORE ORDER that Respondents' Motion for Enlargement of Time
6 **(ECF No. 37) is GRANTED IN PART AND DENIED IN PART.** Respondents will have until
7 and including January 6, 2023, to file a reply to Petitioner's opposition to their motion to
8 dismiss.

9 Dated: November 17, 2022

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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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